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April 29, 2003

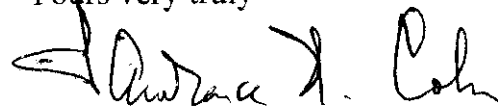
VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Dear Ms. Dortch

On behalf of Rawhide Radio, LLC, there are herewith submitted an original and four (4) copies of its Opposition to the Application for Review filed on April 14, 2003, by Charles Crawford in MM Docket No. 01-188 (re: FM Table of Allotments at Evant, Texas (Channel 243A)).

Yours very truly



Lawrence N. Cohn

Enclosures

cc: Gene Bechtel, Esq. (w/encl)

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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 01-188
Table of Allotments,)
FM Broadcast Stations.)
(Evant, Texas))

To: The Commission

Opposition

Rawhide Radio, LLC ("Rawhide"), by its counsel, pursuant to Section 1.115(d) of the Commission's rules, hereby submits this Opposition to the Application for Review ("Application") filed by Charles Crawford on April 14, 2003, in the above-referenced proceeding. Crawford asks the Commission to reverse the decision of the Media Bureau in Order, DA 03-1012 (released April 4, 2003) which set aside the element of its Report and Order, DA 03-631 (released March 14, 2003) allotting Channel 243A to Evant, Texas. Rawhide opposes the relief sought by Crawford and, in support, states the following.

The Media Bureau set aside its decision to allot Channel 243A to Evant because the allotment conflicted with Rawhide's proposal to allot Channel 243A to Lago Vista, Texas, which Rawhide had previously proposed to the Commission in its timely-filed Counterproposal in MM Docket No. 00-148 (initially involving Quanah, Texas) ("Counterproposal"). As Crawford acknowledges, the legal issue presented by his Application for Review in this proceeding is, except for the communities involved, the same issue presented in Crawford's pleadings in two

other FM rule making proceedings where Crawford's efforts to amend the FM Table of Allotments were rebuffed by the Commission because they conflicted with other elements of Rawhide's Counterproposal in the Quanah rule making proceeding--i.e., in MM Docket No. 01-131 (re: Crawford's proposal for Benjamin, Texas) and MM Docket No. 01-133 (re: Crawford's proposal for Mason, Texas). In the context of this proceeding, the legal issue is whether the Commission's refusal to accept Crawford's proposal to allot Channel 243A to Evant because it conflicted with an element of Rawhide's timely-filed Counterproposal in MM Docket No. 00-148, violated Crawford's rights to fair notice under the Administrative Procedure Act.^{1/}

The issue has been fully briefed by the parties in the context of MM Docket No. 01-131 and MM Docket No. 01-133. As Crawford has incorporated by reference pleading which he filed in those proceedings (Application, Paragraph 4), so too Rawhide hereby incorporates by reference its Opposition to Application for Review filed February 19, 2003 those proceedings.

While there is no need to respond to the other points raised in Crawford's Application, a rejoinder is appropriate with regard to the flagrant error in the third sentence of Paragraph 8, which states as follows: "That change [i.e., the Lago Vista allotment proposed by Rawhide in its Counterproposal] would conflict with Mr. Crawford's petition – filed before the counterproposal was filed in the Quanah-proceeding 'comment date' – to allot the same Channel 243 to Evant."

^{1/} Crawford contends (Petition, page 1) that the "question presented" is whether he had "reasonable notice under FCC rules and practices that a previously filed petition to allot an FM channel to Quanah, Texas, posed a conflict with his petition to allot an FM channel to Evant, Texas." This is not correct. Since the proposal in MM Docket No. 01-148 to allot Channel 233C3 to Quanah does not conflict with the proposal to allot Channel 243A to Evant, the mere filing of the Quanah petition, per se, obviously did not constitute notice to Crawford that there might be a conflict with the proposal for Channel 243A which he ultimately filed for Evant. What did constitute notice to Crawford were the Commission's issuance, in the response to the filing of the Quanah petition for rule making, of the Notice of Proposed Rule Making in MM Docket No. 01-148 (rel August 18, 2002), together with Section 73.208 of the Commission's rules. These authorities put Crawford on notice that if he intended to file an FM rule making petition for Evant, any delay in doing so was at his peril vis-a-vis an earlier and timely-filed conflicting counterproposal in MM Docket No. 01-148--for example, the Rawhide's proposal to allot Channel 243A at Lago Vista, Texas, which was, in fact, later included in Rawhide's timely-file Counterproposal.

This is flat out wrong. Crawford filed his Petition for Rule Making to allot Channel 243A to Evant on June 15, 2001, which was long after Rawhide filed its Counterproposal (which included the proposal to allot Channel 243A to Lago Vista) on October 10, 2000. In other words, it was Rawhide, not Crawford, who filed first (and in a timely manner vis-a-vis MM docket No. 01-148), and this is precisely why Crawford's proposal to allot Channel 243A was rejected by the Media Bureau.

For the foregoing reasons, the Media Bureau's decision to rescind the allotment of Channel 243A to Evant was correct under Commission precedent and law, and complied with the Administrative Procedure Act. Accordingly, the Media Bureau's decision to set aside that portion of its Report and Order, DA 03-631 allotting Channel 243A to Evant should be upheld, and Crawford's Application for Review should be denied.

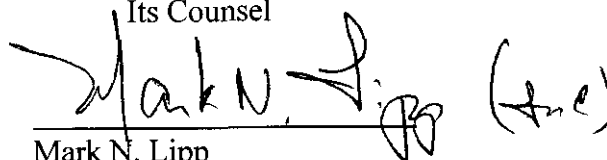
Respectfully submitted

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Date: April 29, 2003

CERTIFICATE OF SERVICE

I, Brenda Chapman, hereby certify that on this 29th day of April, 2003, a copy of the foregoing "Opposition to Application for Review" was delivered via first class U.S. mail, postage prepaid to the following:

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